

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF NORTH DAKOTA

IN THE MATTER OF THE APPLICATION
OF ANDEAVOR FIELD SERVICES LLC
FOR A CERTIFICATE OF CORRIDOR
COMPATIBILITY AND ROUTE PERMIT
FOR THE Y-GRADE HUB PIPELINE
PROJECT IN MCKENZIE, BILLINGS, AND
STARK COUNTIES, NORTH DAKOTA

CASE NO. PU-18-072

**Application of Andeavor Field Services LLC to Protect Confidential
Information and Waiver for Redacted Version of Information**

Pursuant to North Dakota Administrative Code (“N.D.A.C.”) § 69-02-09-01, Applicant Andeavor Field Services LLC (“Andeavor”) submits this application to protect from disclosure certain confidential information concerning critical energy infrastructure being filed with the North Dakota Public Service Commission (“Commission”) as part of the application for a Certificate of Corridor Compatibility and Route Permit for the Y-Grade Hub Pipeline Project (“Project”). Specifically, Andeavor seeks to protect the detailed design, safety, emergency response, and related information requested by the Commission.

Pursuant to the request of the Commission for supplemental information, Andeavor agrees to submit the following documents for consideration with the Application, but requests the documents be exempt from public disclosure under North Dakota Century Code (“N.D.C.C.”) § 44-04-24 as these documents contain critical infrastructure information and relate to the security, threat assessments, response plans, and emergency response plans of the Project. The Project is only a part of Andeavor’s assets in North Dakota, and the documents include critical infrastructure information for infrastructure already in place. The documents which Andeavor seeks protection are as follows:

1. Corrosion Control Program (NDPSC 000001 - NDPSC 000052)
2. Liquid Pipeline Operations and Maintenance Manual
 - a) O&M Manual Maintenance Standard (NDPSC 000053 - NDPSC 000061)
 - b) Accident Investigation Standard (NDPSC 000062 - NDPSC 000067)
 - c) Maps and Records Standard (NDPSC 000068 - NDPSC 000074)
 - d) Reporting Standard (NDPSC 000075 - NDPSC 000094)
 - e) Pipeline Startup and Shutdown Standard (NDPSC 000095 - NDPSC 000100)
 - f) Idling and Abandonment Standard (NDPSC 000101 - NDPSC 000110)
 - g) Conversion to Service Standard (NDPSC 000111 - NDPSC 000118)
 - h) Computational Pipeline Monitoring Standard (NDPSC 000119 - NDPSC 000124)
 - i) Maximum Operating Pressure Standard (NDPSC 000125 - NDPSC 000136)
 - j) Pressure Testing Standard (NDPSC 000137 - NDPSC 000145)
 - k) Pipeline Markers Standard (NDPSC 000146 - NDPSC 000155)
 - l) Inspections of Rights-of-Way Standard (NDPSC 000156 - NDPSC 000161)
 - m) Inspections of Waterways Standard (NDPSC 000162 - NDPSC 000172)
 - n) Valve Maintenance Standard (NDPSC 000173 - NDPSC 000183)
 - o) Pipeline Repair Standard (NDPSC 000184 - NDPSC 000190)
 - p) Welding and NDT Standard (NDPSC 000191 - NDPSC 000201)
 - q) Launchers and Receivers Standard (NDPSC 000202 - NDPSC 000209)
 - r) Overpressure Safety Device Standard (NDPSC 000210 - NDPSC 000218)
 - s) Firefighting Equipment Standard (NDPSC 000219 - NDPSC 000226)
 - t) Breakout Tank Inspection and Maintenance Standard (NDPSC 000227 - NDPSC 000236)

- u) Pipeline Facility Signs Standard (NDPSC 000237 - NDPSC 000242)
 - v) Security of Facilities Standard (NDPSC 000243 - NDPSC 000248)
 - w) Smoking and Open Flames Standard (NDPSC 000249 - NDPSC 000253)
 - x) Construction Standard (NDPSC 000254 - NDPSC 000270)
 - y) Pipe Movement Standard (NDPSC 000271 - NDPSC 000276)
 - z) Communications Standard (NDPSC 000277 - NDPSC 000281)
 - aa) Abnormal Operations Standard (NDPSC 000282 - NDPSC 000290)
 - bb) Emergency Operations Standard (NDPSC 000291 - NDPSC 000299)
 - cc) Damage Prevention Program (NDPSC 000300 - NDPSC 000329)
3. High Consequence Area Location Study
- a) Andeavor Logistics Y-Grade Hub HCA Could Affect Analysis (NDPSC 000330 - NDPSC 000397)
 - b) Andeavor Oasis Y Grade Hub HCA Analysis (NDPSC 000398)
 - c) Andeavor Oasis Y Grade Hub HCA Analysis Mapbook (NDPSC 000399 - NDPSC 000415)
4. Tesoro High Plains Pipeline Oil Spill Response Plan (NDPSC 000416 – NDPSC 000785)

North Dakota Century Code § 44-04-24 provides exemption from public disclosure for “all records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, communications, or consultations or portions of any such plan relating directly to the physical or electronic security of . . . any critical infrastructure, whether owned by or leased to the state or any of its political subdivisions, or any privately owned or leased critical infrastructure if the plan or a portion of the plan is in the possession of a public entity; threat assessments; vulnerability and capability assessments conducted by a public entity, or any private entity; threat response plans; and emergency evacuation plans.” N.D.C.C. § 44-04-24(2)(b). Critical infrastructure is broadly defined and includes “public buildings, systems,

including telecommunications centers and computers, power generation plants, dams, bridges, and similar key resources, whether physical or virtual, so vital to the state that the incapacity or destruction of these systems would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters.” N.D.C.C. § 44-04-24(2)(a).

The information contained herewith and sought to be protected includes detailed critical infrastructure information, including design, safety, emergency response, and related information which shows the exact location of this Project and other existing energy infrastructure located within a close proximity of this new pipeline. Andeavor is a subsidiary of Andeavor Logistics LP (“Andeavor Logistics”), a leading full-service logistics company operating primarily in the western and midcontinent regions of the United States. Andeavor Logistics owns and operates a network of crude oil, refined products, and natural gas pipelines. Andeavor Logistics also owns and operates crude oil and refined products truck terminals, marine terminals and dedicated storage facilities. In addition, Andeavor Logistics owns and operates natural gas processing and fractionation complexes. Andeavor’s assets are considered critical energy infrastructure, as the infrastructure plays an important role in the distribution of vital energy supplies to the refinery markets in the Midwest and beyond. The specific and detailed information contained on the CD applies to multiple Andeavor assets in North Dakota, including infrastructure which has already been constructed, which would be of great benefit to anyone with a desire to disrupt the economy through an attack on this infrastructure. Accordingly, distribution of this information must be controlled and not released within the public domain without good cause shown. The information contained on the CD also qualifies as being exempt from public disclosure pursuant to N.D.C.C. § 44-04-24.

Andeavor also requests the Commission waive the requirement found in N.D.A.C. § 69-02-09-01(5) for submission of a redacted public version of the information. Given the voluminous documentation provided to the Commission in response to the request for supplemental information, redaction of the confidential information at this stage would be overly burdensome and would serve no purpose for use by the public.

Consistent with the Commission's guidelines for an application to protect information, Andeavor has filed in a sealed envelope labeled "PROTECTED INFORMATION - PRIVATE" a CD which contains the above-referenced documents requested by the Commission. *See* N.D.A.C. § 69-02-09-02. Pursuant to consultation with Commission staff, the Commission has agreed to accept this information in electronic format only at this time.¹

Accordingly, Andeavor respectfully requests the Commission grant its application to protect the information contained on the enclosed CD and allow the siting application to be deemed complete as filed and enter an appropriate protective order limiting disclosure of the protected information.

Dated this 20th day of March, 2018.

FREDRIKSON & BYRON, P.A.

By 

LAWRENCE BENDER, ND Bar #03908
DANIELLE M. KRAUSE, ND Bar #06874
1133 College Drive, Suite 1000
Bismarck, ND 58501
(701) 221-8700
lbender@fredlaw.com
dkrause@fredlaw.com
Attorneys for Andeavor Field Service LLC

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¹ Hard copies will be made available for Commission use upon request.